

### ATTORNEY DOCKET NO.: 0492611-0364 (MIT 8616)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Ameer, et al.

Examiner:

Serial No.:

09/495,278

Art Unit:

1616

Filing Date:

January 31, 2000

Title:

TRANSDERMAL THERMAL POLYMERIZATION

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, DC 20231

Sir:

# STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant respectfully requests consideration of this Supplemental Information Disclosure Statement.

### PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

•	,		,		
A.	[X]	This Information Disclosure Statement has been filed:			
		(check 1, 2 and/or 3 below)			
	1.	[]	within three months of the filing date of the above identified U.S. Patent		
			application;		
	2.	[]	within three months of the filing date of the entry of the National Stage, as		
			set forth in 37 C.F.R. §1.491, in an International application; and/or		
	3.	[X]	before the mailing date of the first Office Action on the merits in the		
			above-identified application.		

No fee or certification is required.

B.	[]	This Information Disclosure Statement has been filed more than three months						
		after the filing date of the present application and after the mailing date of this						
		first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.						
		(check 1 or 2 below)						
	1.	[] The fee of \$240 as set forth in 37 C.F.R. §1.17(p) is enclosed; or						
	2.	[] Ap	Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that					
		(cł	(check a or b below)					
		a. []	, each item of information contained in this Information Disclosure					
			Statement was cited in a communication from a foreign Patent					
			Office in a counterpart for this application not more than three					
			months prior to the filing of this Statement; or					
		b. []	no item of information contained in this Information Disclosure					
			Statement was cited in a communication from a foreign Patent					
			Office in a counterpart for this application or, to the knowledge of					
			the undersigned after making reasonable inquiry, was known to					
			any individual designated in 37 C.F.R. §1.56(c) more than three					
			months prior to the filing of this Statement.					
		c. []	items indicated by an asterisk were identified in a recent review of related files.					
C.	[]	This Information Disclosure Statement has been filed after the mailing date of						
		either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37						
		C.F.R. §1.311 and before payment of an Issue Fee.						
		(check 1, 2, and 3 below)						
	1.	[ ] Th	e Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:					
		(ch	(check a or b below)					
		a. [ ]	each item of information contained in this Information Disclosure					
			Statement was cited in a communication from a foreign Patent					

				Office in a counterpart for this application not more than three			
				months prior to the filing of this Statement.			
		b.	[]	no item of information contained in this Information Disclosure			
				Statement was cited in a communication from a foreign Patent			
				Office in a counterpart for this application or, to the knowledge of			
				the undersigned after making reasonable inquiry, was known to			
				any individual designated in 37 C.F.R. §1.56(c) more than three			
				months prior to the filing of this Statement.			
	2.	[]	A Petit	tion requesting consideration of the Information Disclosure			
			Statem	ent is attached.			
	3.	[]	The Pe	etition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.			
PART	II - Inf	ormatio	n Cited				
A.	[X]	The Applicant hereby makes of record in the above-identified application the					
		referen	nce(s) li	sted on the attached form PTO-1449 (modified). The order of			
		presentation of the references should not be construed as an indication					
		import	ance of	the references.			
B.	[]	] The Applicant hereby makes the following additional information of record		hereby makes the following additional information of record in the			
		above-	identifi	ed application:			
PART	III: Ex	planation	on of No	on-English Language References and Remarks Concerning Other			
Inform	nation C	cited					
A.	[]	The fo	llowing	is a concise explanation of the relevance of each non-English			
		langua	ge refer	rence listed on the attached form PTO-1449 (modified):			
B.	[]	The fo	llowing	are remarks concerning the other information cited:			

#### PART IV: Remarks

- A. [X] Copies of references (check 1 or 2 below)
  - 1. [X] A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed;
  - 2. [ ] Copies of certain of the references cited on the attached form PTO-1449 (modified) are not enclosed because each of these references (indicated by asterisk) was previously cited by or submitted to the Office in a prior application, which prior application is relied upon for an earlier filing date under 35 U.S.C. § 120.
- B. [X] It is respectfully requested that: (check 1, 2, and 3 below)
  - 1. [X] The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
  - 2. [X] The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application;
  - 3. [X] The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.
- C. [X] By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

- D. [X] By submitting this Information Disclosure Statement, Applicants make never representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
- E. [X] By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. [X] Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

Sam Pasternack, Reg. No. 29,570

CHOATE, HALL & STEWART Exchange Place 53 State Street Boston, Massachusetts 02109 (617) 248-5000 Dated: July 19, 2000

Exchange.3142748.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231